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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

April 12, 2013

Mr. Donald Guerland, Owner
River Oaks RV Park
2299 Chittenden Pass Road
San Juan Bautista, CA 95045

Attention Mr. Guerland:

CITATION NO. 02-05-13C-002-3500524-23
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION FOR FEBRUARY 2013
RIVER OAKS RV PARK – WATER SYSTEM NO. 3500524

Enclosed is a Citation issued to the River Oaks RV Park water system for failure to comply with the bacteriological monitoring and reporting requirements specified in Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, of the California Code of Regulations. Specifically, the water system failed to collect and report the required number of bacteriological samples during the month of February 2013.

The Citation consists of four sections: Violation, Background, Directives, and Further Enforcement Actions. The Violation and Background sections describe the events leading up to the issuance of the Citation. The Directives section specifies required actions that must be implemented by the water system to return to compliance. The Further Enforcement Actions section describes penalties to be assessed for failure to comply with the Citation. No civil penalty is levied with the attached Citation.

Your water system will be billed at the Department's hourly rate for the time spent on this issuing this Citation since this is an enforcement action for noncompliance with state regulations. The water system will receive a bill from our Fee Billing Unit in Sacramento. If you have any questions regarding this matter, please contact me at (510) 620-3474.

Sincerely,


Stefan Cajina, P.E., Chief
North Coastal Region
DRINKING WATER PROGRAM

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-4033

cc (w/enclosures): San Benito County Environmental Health Department

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Date of Issuance: April 12, 2013

RE: River Oaks RV Park
Water System No. 3500524

TO: Mr. Donald Guerland, Owner
River Oaks RV Park
2299 Chittenden Pass Road
San Juan Bautista, CA 95045

CITATION FOR NONCOMPLIANCE
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION
FEBRUARY 2013

Chapter 4, Article 9, Section 116650 of the California Health and Safety Code (H&S Code) authorizes the issuance of a Citation for failure to comply with this Chapter (California Safe Drinking Water Act) or any regulation, standard, permit, or order issued or adopted thereunder.



Violation

The California Department of Public Health, Drinking Water Field Operations Branch, (hereinafter "Department") hereby issues a Citation to the River Oaks RV Park (hereinafter "River Oaks RVP") water system for the following violation:

Violation of bacteriological monitoring and reporting requirements for compliance with the Total Coliform Rule pursuant to Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, of the California Code of Regulations (CCR).

Section 64423(a) specifies that each water supplier shall collect routine bacteriological samples based on the classification of the water system, the source of the water, the known population served, or the total number of service connections.

Section 64423.1(c) specifies that analytical results for all required samples collected for a system in a calendar month shall be reported to the Department not later than the tenth day of the following month.

The River Oaks RVP water system failed to collect the required number of routine bacteriological water samples and report the analytical results to the Department pursuant to Sections 64423(a) and 64423.1(c), Chapter 15, Title 22, CCR, for February 2013. This constitutes a violation of bacteriological monitoring and reporting requirements for compliance with the Total Coliform Rule for the River Oaks RVP water system during the month of February 2013.



Background

1
2 The River Oaks RVP is classified as a non-community non-transient water
3 system that serves a transient and residential population of forty-eight (48)
4 persons through fifteen (15) service connections. The water system consists of
5 a groundwater well, Well 01 (Primary Station Code: 3500524-001), a chlorination
6 facility, a 6,000 gallon steel storage tank, and a distribution system. The River
7 Oaks RVP water system is required to collect one (1) bacteriological sample from
8 the distribution system per month for compliance with the Total Coliform Rule.
9 The water system is also required to collect monthly bacteriological samples
10 from Well 01, per letter issued to the water system, dated March 24, 2010. In
11 addition, the Groundwater Rule requires sampling from the active raw sources
12 along with repeat distribution bacteriological samples, within 24 hours of
13 notification, following any total coliform-positive result from the distribution
14 system.
15

16 On March 22, 2013, the Department received a Monthly Coliform Summary
17 reporting that one (1) routine bacteriological sample was collected and tested
18 negative for total coliform during the month of February 2013. The Monthly
19 Coliform Summary was signed by Mr. Abel Espinoza, Operator for the River
20 Oaks RVP water system. No laboratory results were submitted attached to the
21 summary or as a separate submittal.
22

23 On March 25, 2013, Department staff contacted Soil Control (SC) Laboratory in
24 attempt to obtain information regarding the missing bacteriological sample
25 analysis results for February 2013. SC staff confirmed to the Department that
26 their laboratory did not receive distribution or source samples from the River
27



1 Oaks RVP water system for bacteriological analysis testing for the month of
2 February 2013 but did receive samples for bacteriological sampling conducted
3 on March 4, 2013. By electronic mail dated March 25, 2013, SC Laboratory
4 submitted analysis reports confirming that the River Oaks RVP water system
5 collected one (1) sample from the distribution system and one (1) sample from
6 Well 01. Both samples tested free of coliform bacteria. Therefore, the River
7 Oaks RVP water system has returned to compliance with bacteriological
8 monitoring and reporting requirements.

9 Failure to collect and report a distribution system bacteriological sample during
10 February 2013, resulted in violation of bacteriological monitoring and reporting
11 requirements for the River Oaks RVP water system for the month of February
12 2013.

13 Directives

14
15
16 The River Oaks RVP water system is hereby directed to take the following
17 actions:

- 18
19 1. Immediately cease and desist from failing to comply with Sections
20 64423(a) and 64423.1(c), Chapter 15, Title 22, CCR.
21
- 22
23 2. Conduct public notification of the bacteriological water quality monitoring
24 and reporting violation in conformance with Section 64463.7, Chapter 15,
25 Title 22, CCR. The notification shall be completed in accordance with the
26 following:
27



- 1 • Posting of the Public Notification in conspicuous places within the area
2 served by the water system within thirty (30) days of receipt of this
3 Citation. The Public Notification shall remain posted for a minimum of
4 seven (7) consecutive days.
- 5 • By one of the following secondary methods to reach persons not likely
6 to be reached by posting;
7
8 ➤ By publication in a local newspaper, by internet posting of the
9 notice or by direct delivery to each customer served by the River
10 Oaks RVP water system. Notice by secondary method shall be
11 conducted within thirty (30) days of receipt of this Citation. If the
12 water system opts to issue the notice via internet website, the
13 public notice shall remain posted for a minimum of seven (7) days.
14 The River Oaks RVP water system must determine which option
15 will be used to conduct the secondary distribution of the notice and
16 notify the Department of their decision no later than **April 30, 2013**.
- 17
18 3. Submit the Public Notification required by Directive No. 2 of this Citation to
19 the Department for approval prior to distribution. A sample notice is
20 enclosed (Attachment A) that may be used to fulfill the notification
21 requirement. **The River Oaks RVP water system must edit the**
22 **wording of the sample notification as necessary.**
- 23
24 4. Proof of Notification must be provided to the Department by submitting
25 copies of the notice posted and distributed to the customers with the
26
27



1 completed Proof of Notification form (Attachment B), to the Department
2 **within ten (10) days following issuance of the Public Notification.**
3

4 All responses to the directives contained in this Citation shall be submitted to:
5
6

7 Stefan Cajina, P.E., Chief
8 North Coastal Region
9 California Department of Public Health
10 Drinking Water Field Operations Branch
11 850 Marina Bay Parkway, Bldg. P., 2nd Floor
12 Richmond, CA 94804-6403


13 **Further Enforcement Actions**
14

15 Division 104, Part 12, Chapter 4, (commencing with section 116270) of the
16 California Health and Safety Code authorizes the Department to: issue additional
17 citations with assessment of penalties if a public water system continues to fail to
18 correct a violation identified in a citation; take action to suspend or revoke a
19 permit that has been issued to a public water system if the system has violated
20 applicable law or regulations or has failed to comply with orders of the
21 Department; and petition the superior court to take various enforcement
22 measures against a public water system that has failed to comply with orders of
23 the Department. By issuance of this Citation, the Department does not waive
24 any right to take additional or alternative enforcement action against the System
25 including, but not limited to, assessment of penalties as authorized by law.
26
27



Failure to comply with any provision or directive of this Citation may result in the
Department imposing penalties.

April 12, 2013
Date


Stefan Cajina, P.E., Chief
North Coastal Region
DRINKING WATER PROGRAM



Enclosures: Attachment A: Public Notification Sample
Attachment B: Proof of Notification Form

CERTIFIED MAIL NO. 7008-1830-0004-5435-4033



Instructions for Tier 3 Monitoring Violations Annual Notice Template

Template Attached

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.7(b)]. Multiple monitoring violations can be serious. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.7(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.7(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above, insertion in an annual notice, or included in the Consumer Confidence Report¹. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the standard language for monitoring and testing

¹ CCR may be used as long as public notification timing and delivery requirements are met [64463.7(d)].

procedure violations and notification language in italics unchanged. This language is mandatory [64465].

You may need to modify the template for a notice for individual monitoring violations. The template presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice (e.g., in a footnote). An example is shown in the table below.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
VOCs ^(a)	1 sample every 3 years	None	2002 – 2005	February 2006

(a) Benzene; Carbon Tetrachloride; 1,2-Dichlorobenzene; 1,4-Dichlorobenzene; 1,1-Dichloroethane; 1,2-Dichloroethane; 1,1-Dichloroethylene; cis-1,2-Dichloroethylene; trans-1,2-Dichloroethylene; Dichloromethane; 1,2-Dichloropropane; 1,3-Dichloropropene; Ethylbenzene; Methyl-*tert*-butyl ether; Monochlorobenzene; Styrene; 1,1,2,2-Tetrachloroethane; Tetrachloroethylene; Toluene; 1,2,4-Trichlorobenzene; 1,1,1-Trichloroethane; 1,1,2-Trichloroethane; Trichloroethylene; Trichlorofluoromethane; 1,1,2-Trichloro-1,2,2-Trifluoroethane; Vinyl Chloride; and Xylenes.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system - you may need to list the areas you serve.

Corrective Actions

In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- “We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.”
- “We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]”
- “We plan to take the required samples soon, as described in the last column of the table above.”

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64451(d)]. You should also issue a follow-up notice in addition to meeting any repeat notice requirements the Department sets.

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

It is a good idea to issue a “problem corrected” notice when the violation is resolved.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**Bacteriological Monitoring Requirements Not Met for
River Oaks RV Park
Water System No. 3500524**

Our water system failed to monitor the drinking water supply during February 2013 and, therefore, was in violation of the state drinking water regulations. Even though this failure was not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We are required to monitor your drinking water for bacteriological contaminants on a monthly basis. Results of this monitoring are an indicator of whether or not our drinking water meets health standards. During the month of February 2013, the River Oaks RV Park water system failed to collect a distribution sample for coliform bacteria analysis testing and therefore, cannot be sure of the quality of our drinking water during that time. Subsequent bacteriological testing conducted on March 4, 2013 shows that the River Oaks RV Park water system is free of coliform bacteria and therefore, the water system has returned to compliance with bacteriological monitoring and reporting requirements.

What should I do?

- There is nothing you need to do at this time.
- The table below lists the contaminant(s) we did not properly test for during the last year, how many samples we are required to take and how often, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

<i>Contaminant</i>	<i>Required Sampling Frequency</i>	<i>Number of Samples Taken</i>	<i>When All Samples Should Have Been Taken</i>	<i>When Samples Were or Will Be Taken</i>
Coliform	One sample every month	0	One distribution sample during February 2013	Two samples (1 distribution & 1 raw water source) were collected on March 4, 2013

- If you have health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What is being done?

Bacteriological water quality testing of the drinking water was not completed during the month of February 2013. Bacteriological sample collection was conducted on March 4, 2013, and is scheduled monthly thereafter.

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the River Oaks RV Park water system.

State Water System ID#: 3500524

Date distributed: _____

System Representative Name & Title: _____

Water System Representative Signature: _____

PROOF OF NOTIFICATION**Citation No. 02-05-13C-002-3500524-23****River Oaks RV Park****System Number: 3500524****Certification**

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the River Oaks RV Park water system of the violation of Title 22, California Code of Regulations for the compliance period of February 2013. I complied with the directives of this Citation as indicated below:

Required ActionDate Completed

Public Notification – Posting

Public Notification – List Secondary Method
Used: _____

Proof of Notification

Signature of Water System Representative_____
Date***** Attach a copy of the notice posted and distributed. *******THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.